

## **REMARKS**

Claims 1-22, 40, 41, 43, 44, 51-59, and 77-86 are pending in the present application. In the present response, claims 40, 44, 51, and 77 have been amended to incorporate subject matter discussed during the telephonic interview as further described herein. Minor changes have been made to claims 53 and 78. Patentee hereby adds new claims 87-94. The new claims cover claim types that correspond to currently pending claims as detailed in the summary of pending claims provided in Section B below.

Patentee believes that the present application is now in condition for allowance and prompt and favorable action is respectfully requested.

### **A. Interview**

Patentee would like to thank Examiner Nguyen for the courtesy extended in the telephonic interview conducted on November 9, 2010 with Patentee's representative Han Gim. Patentee appreciates the willingness of the Examiner to consider avenues for expediting prosecution of this application, and look forward to early resolution of all outstanding issues. During the interview, the rejections under §102 and § 103 were discussed. Agreement was reached that the amendments submitted herein have addressed the §102 and §103 rejections. The Examiner is requested to call Patentee's representative at 206-903-2474 to expeditiously resolve any remaining issues that may delay allowance of the pending claims.

**B. Amendment to the Claims**

The claims presented herein have been marked in accord with 37 C.F.R. §1.173 such that matter to be omitted is enclosed in brackets and matter to be added is underlined. Support for the amendments and new claims as required under 37 C.F.R. §1.173(c) is shown as follows:

<b>Claim</b>	<b>Status</b>	<b>Support for Changes</b>
Claim 1	Original	No change
Claim 2	No change	No change
Claim 3	No change	No change
Claim 4	No change	No change
Claim 5	No change	No change
Claim 6	No change	No change
Claim 7	No change	No change
Claim 8	No change	No change
Claim 9	No change	No change
Claim 10	No change	No change
Claim 11	Original	No change
Claim 12	No change	No change
Claim 13	No change	No change
Claim 14	No change	No change
Claim 15	Amended to address objections raised by the Examiner	Claim amended to address objections; no new matter.

<b>Claim</b>	<b>Status</b>	<b>Support for Changes</b>
Claim 16	Amended to address objections raised by the Examiner	Claim amended to address objections; no new matter.
Claim 17	Original	No change
Claim 18	No change	No change
Claim 19	No change	No change
Claim 20	No change	No change
Claim 21	Original	No change
Claim 22	Original	No change
Claims 23 - 39	Cancelled	
Claim 40	New; added by the amendment dated June 14, 2001; amended herein to recite “transmit system status information during gaps in transmission by an active calling member, the system status information comprising an indication of the active calling member and a queue of calling members who have provided PTT requests” and “a telephone network interface for establishing a telephone connection with the calling member over a channel of said PTT private network.”	col. 5 lines 26-36; col. 7 lines 30-46
Claims 41-42	Cancelled	
Claim 43	New; added by the amendment dated June 14, 2001.	no change

<b>Claim</b>	<b>Status</b>	<b>Support for Changes</b>
Claim 44	New; added by the amendment dated June 14, 2001; amended herein to recite “means for transmitting system status information during gaps in transmission by the current active member, the system status information comprising an indication of the current active member and a queue of calling members who have provided PTT requests.”	col. 7 lines 30-46
Claims 45-50	Cancelled	
Claim 51	New; added by the amendment dated September 17, 2004; amended herein to add “a network controller operative to transmit system status information during gaps in transmission by an active calling member, the system status information comprising an indication of the active calling member and a queue of calling members who have provided PTT requests.”	col. 7 lines 30-46
Claim 52	New; added by the amendment dated September 17, 2004	No change
Claim 53	New; added by the amendment dated September 17, 2004; amended herein to change “further comprising a network controller” to “wherein the network controller is configured to...”	claim amended for antecedent basis; no new matter

<b>Claim</b>	<b>Status</b>	<b>Support for Changes</b>
Claim 54	New; added by the amendment dated September 17, 2004	No change
Claim 55	New; added by the amendment dated September 17, 2004	No change
Claim 56	New; added by the amendment dated September 17, 2004	No change
Claim 57	New; added by the amendment dated September 17, 2004	No change
Claim 58	New; added by the amendment dated September 17, 2004	No change
Claim 59	New; added by the amendment dated September 17, 2004	No change
Claims 60-76	Cancelled	
Claim 77	New; added by the amendment dated September 17, 2004; amended to add “transmitting system status information during gaps in transmission by the member, the system status information comprising an indication of the member and a queue of requesting members who have provided PTT requests”	col. 7 lines 30-46
Claim 78	New; added by the amendment dated September 17, 2004; amended herein to change “comprise” to “comprises”	claim amended for clarity; no new matter
Claim 79	New; added by the amendment dated September 17, 2004	No change
Claim 80	New; added by the amendment dated September 17, 2004	No change

<b>Claim</b>	<b>Status</b>	<b>Support for Changes</b>
Claim 81	New; added by the amendment dated September 17, 2004	No change
Claim 82	Added by the amendment dated November 13, 2009	No change
Claim 83	Added by the amendment dated November 13, 2009	No change
Claim 84	Added by the amendment dated November 13, 2009	No change
Claim 85	Added by the amendment dated November 13, 2009	No change
Claim 86	Added by the amendment dated November 13, 2009	No change
Claim 87	New; added herein; corresponds to claim 40	Column 4 line 59 to Column 5 line 26; Column 6 lines 33-56; Fig. 2; Col. 5 lines 26-36; Col. 7 lines 30-46
Claim 88	New; added herein; corresponds to claim 40	Column 4 line 59 to Column 5 line 26; Column 6 lines 33-56; Fig. 2; Col. 5 lines 26-36; Col. 7 lines 30-46
Claim 89	New; added herein; corresponds to claim 44	Column 4 line 59 to Column 6 line 33; Fig. 2; Col. 7 lines 30-46
Claim 90	New; added herein; corresponds to claim 44	Column 4 line 59 to Column 6 line 33; Fig. 2; Col. 7 lines 30-46
Claim 91	New; added herein; corresponds to claim 51	Column 4 line 59 to Column 6 line 56; Column 10 lines 5-37; Fig. 2; Col. 7 lines 30-46
Claim 92	New; added herein; corresponds to claim 51	Column 4 line 59 to Column 6 line 56; Column 10 lines 5-37; Fig. 2; Col. 7 lines 30-46

<b>Claim</b>	<b>Status</b>	<b>Support for Changes</b>
Claim 93	New; added herein; corresponds to claim 77	Column 4 line 59 to Column 5 line 26; Column 7 line 53 to Column 8 line 20; Fig. 2; Col. 7 lines 30-46
Claim 94	New; added herein; corresponds to claim 77	Column 4 line 59 to Column 5 line 26; Column 7 line 53 to Column 8 line 20; Fig. 2; Col. 7 lines 30-46

**C. Allowable Subject Matter**

Patentee gratefully acknowledges the Examiner's allowance of claims 1-13 and 16-22 and conditional allowance of claims 14-15 pending resolution of the outstanding objection. As explained below, Patentee has addressed the Examiner's objection and rejections, and respectfully request allowance of all pending claims.

**D. Claim Objections**

Claims 14 and 15 are objected to because of informalities. Patentee has inserted "user" as suggested by the Examiner and requests withdrawal of the objection.

**E. Rejections under 35 U.S.C. §102(e)**

The Office Action rejected claims 44, 51-53, and 59 under 35 U.S.C. §102(e) allegedly as being anticipated by Kay et al. (U.S. Pat. No. 5,475,689) (“Kay”). Patentee respectfully traverses this ground of rejection and requests reconsideration thereof.

As discussed during the November 9 interview, Patentee has amended claim 44 to recite:

means for transmitting system status information during gaps in transmission by the current active member, the system status information comprising an indication of the current active member and a queue of calling members who have provided PTT requests.

It was agreed during the November 9 interview that Kay does not disclose the above feature of claim 44. Therefore, as Kay does not disclose or suggest at least these feature of claim 44, this ground of rejection should be withdrawn.

Regarding claim 51, Patentee has amended the claim to recite “means for transmitting system status information during gaps in transmission by the current active member, the system status information comprising an indication of the current active member and a queue of calling members who have provided PTT requests.” As agreed during the November 9 interview, Kay does not disclose or suggest this feature and therefore this ground of rejection should be withdrawn.

Patentee further submits that dependent claims 52, 53, and 59 are allowable at least by virtue of their dependency on an allowable base claim.



**F. Rejections under 35 USC §103**

Claim 40 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Kay in view of Kent (U.S. Pat. No. 5,699,353). Patentee traverses this ground of rejection and request reconsideration thereof.

As discussed during the November 9 interview, Patentee has amended claim 40 to recite:

transmit system status information during  
gaps in transmission by an active calling member,  
the system status information comprising an  
indication of the active calling member and a queue  
of calling members who have provided PTT  
requests

and to further recite:

a telephone network interface for establishing a  
telephone connection with the calling member over  
a channel of said PTT private network.

It was agreed during the November 9 interview that Kay and Kent, alone or in combination, do not teach or suggest the above features of claim 40. Therefore, as Kay and Kent do not teach or suggest at least these features of claim 40, this ground of rejection should be withdrawn.

Claim 43 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Kay in view of Kent and in view of Grube et al. (U.S. Pat. No. 5,387,905). Patentee traverses this ground of rejection and request reconsideration thereof.

Grube et al. fails to cure the deficiencies of Kay and Kent. Grube et al. generally discloses processing of dispatch calls in a multi-site communication system wherein a request for a dispatch call is routed to a controller which assigns a controlled device to support the request. However, Grube et al. fails to disclose or suggest a network controller operative to “transmit system status information during gaps in transmission by an active calling member, the system

status information comprising an indication of the active calling member and a queue of calling members who have provided PTT requests.” Since the combination of Kay, Kent, and Grube et al. fails to disclose all of the elements of independent claim 40, dependent claim 43 cannot be rendered obvious by the cited combination per MPEP §2143.03. Patentee respectfully requests reconsideration and withdrawal of the 35 USC §103 rejection of claim 43.

Claims 58, 77-79, 81, 84, and 86 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kay in view of Grube et al. Patentee traverses this ground of rejection and request reconsideration thereof.

As discussed during the November 9 interview, Patentee has amended claim 77 to recite:

transmitting system status information  
during gaps in transmission by the member, the  
system status information comprising an indication  
of the member and a queue of requesting members  
who have provided PTT requests.

It was agreed during the November 9 interview that Kay and Grube et al., alone or in combination, do not teach or suggest the above features of claim 40. Therefore, as Kay and Grube et al. do not teach or suggest at least this feature of claim 77, this ground of rejection should be withdrawn.

Grube et al. fails to cure the deficiencies of Kay. Grube et al. generally discloses processing of dispatch calls in a multi-site communication system wherein a request for a dispatch call is routed to a controller which assigns a controlled device to support the request. However, Grube et al. fails to disclose or suggest a network controller operative to “transmit system status information during gaps in transmission by an active calling member, the system status information comprising an indication of the active calling member and a queue of calling members who have provided PTT requests.” Since the combination of Kay and Grube et al. fails to disclose all of the elements of independent claim 77, dependent claims 78, 79, 81, 84, and 86

cannot be rendered obvious by the cited combination per MPEP §2143.03. Patentee respectfully requests reconsideration and withdrawal of the 35 USC §103 rejection as to claims 77-79, 81, 84, and 86.

Regarding claim 58, Patentee explained above that Kay does not disclose or suggest independent claim 51. Furthermore, Patentee has established that Grube et al. fails to cure the deficiencies of Kay. Since the combination of Kay and Grube et al. fails to disclose all of the elements of the independent claim 51, dependent claim 58 cannot be rendered obvious by the cited combination per MPEP §2143.03. Patentee respectfully requests reconsideration and withdrawal of the 35 USC §103 rejection as to claim 58.

Claim 54 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Kay in view of Danne et al. (U.S. Pat. No. 5,761,619). Patentee traverses this ground of rejection and request reconsideration thereof.

Danne et al. fails to cure the deficiencies of Kay. Danne et al. generally discloses a cellular telecommunications system with a plurality of nodes, but fails to disclose or suggest recite “means for transmitting system status information during gaps in transmission by the current active member, the system status information comprising an indication of the current active member and a queue of calling members who have provided PTT requests” as recited in independent claim 51. Since the combination of Kay and Danne et al. fails to disclose all of the elements of independent claim 51, dependent claim 54 cannot be rendered obvious by the cited combination per MPEP §2143.03. Patentee respectfully requests reconsideration and withdrawal of the 35 USC §103 rejection as to claim 54.

Claim 55 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Kay in view of Weiss (U.S. Pat. No. 5,151,922). Patentee traverses this ground of rejection and requests reconsideration thereof.

Weiss fails to cure the deficiencies of Kay. Weiss generally discloses controlling a speaker mute time to transmit an information message from a first communication device to a second communication device, but fails to disclose or “means for transmitting system status information during gaps in transmission by the current active member, the system status information comprising an indication of the current active member and a queue of calling members who have provided PTT requests” as recited in independent claim 51. Since the combination of Kay and Weiss fails to disclose all of the elements of the independent claim, dependent claim 55 cannot be rendered obvious by the cited combination per MPEP §2143.03. Patentee respectfully requests reconsideration and withdrawal of the 35 USC §103 rejection as to claim 55.

Claims 56-57 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kay in view of Glaser (U.S. Pat. No 6,072,463). Patentee traverses this ground of rejection and requests reconsideration thereof.

Glaser fails to cure the deficiencies of Kay. Glaser generally discloses processing of dispatch calls in a multi-site communication system wherein a request for a dispatch call is routed to a controller which assigns a controlled device to support the request. However, Glaser fails to disclose or suggest “means for transmitting system status information during gaps in transmission by the current active member, the system status information comprising an indication of the current active member and a queue of calling members who have provided PTT requests” as recited in independent claim 51. Since the combination of Kay and Glaser fails to disclose all of the elements of independent claim 51, dependent claims 56-57 cannot be rendered obvious by the cited combination per MPEP §2143.03. Patentee respectfully requests reconsideration and withdrawal of the 35 USC §103 rejection as to claims 56-57.

### **Conclusion**

In light of the amendments contained herein, Patentee submits that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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